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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 FRANCISCO MERINO,
12 Plaintiff,

13 v.

14 VIVIAN VUONG,
15 Defendant.
16

No. 2:21-CV-0826-KJM-DMC-P

ORDER

17 Plaintiff, a prisoner proceeding pro se, brought this civil rights action under 42
18 U.S.C. § 1983. Final judgment was entered on October 11, 2022, and this case is closed. On
19 April 30, 2024, the Ninth Circuit Court of Appeals affirmed this Court's decision. Pending in this
20 closed case is Plaintiff's motion for a refund of appellate filing fees. See ECF No. 74.

21 In his motion, Plaintiff states that he never intended to appeal the Court's October
22 11, 2022, final judgment. See id. The District Judge, however, has previously determined that
23 Plaintiff filed a notice of appeal, and that Plaintiff is responsible for the filing fee associated with
24 that notice. See ECF No. 66. Plaintiff's currently motion for refund of filing fees will be denied.

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1 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion, ECF No. 74, is
2 denied consistent with the District Judge's prior order.

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4 Dated: August 11, 2025

A handwritten signature in dark ink, appearing to read 'Dennis M. Cota', written over a horizontal line.

DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE